THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20672 OF 2006

23.10.2006

Between:

Smt.Lalitha Bai

… Petitioner

AND

The Joint Collector, Medak District at Sangareddy
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20672 OF 2006

ORDER:

The petitioners and respondents 4 and 5 are legal heirs of late Laxman Singh. The fifth respondent is mother of fourth respondent. Late Laxman Singh was owner of agricultural properties including the land admeasuring Acs.22.28 guntas in survey No.381 situated at Tellapur village of Ramachandrapuram Mandal in Medak District. It is alleged that in 1976, Laxman Singh executed Taksimnama (settlement deed) in favour of his children. Thereafter, the name of the petitioner and her two brothers – including fourth respondent; were entered in the relevant pahanis. After death of the father, the petitioner filed an application before the Mandal Revenue Officer, Ramachandrapuram Mandal (MRO), the third respondent herein, for mutation in the revenue records. The same was granted by proceedings dated 19.8.1995 duly recording the name of the petitioner and her two brothers in respect of the land admeasuring Acs.7.11 guntas each. Pattadar Pass Books (PPBs) were also issued. However, fourth respondent appears to have preferred an appeal before the Revenue Divisional Officer, Sangareddy (RDO), the second respondent herein, and the same was rejected on 08.3.2000, whereupon the petitioner filed a revision petition before the Joint Collector, Medak at Sangareddy, the first respondent herein. By impugned order dated 12.9.2006, the first respondent set aside the proceedings of the MRO dated 19.8.1995 granting mutation in favour of the petitioner and her two brothers.

Learned Counsel for the petitioner raised various contentions including the question of jurisdiction of the second respondent in entertaining the appeal filed by the fourth respondent after lapse of six years. Alternatively, it is contended that when the first respondent has come to the conclusion that the MRO failed to follow the procedure contemplated under the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 and the A.P. Rights in Land and Pattadar Pass Books Rules, 1989, he ought to have remanded the matter to the MRO for fresh enquiry.

At the stage of admission itself, learned Counsel for fourth respondent and fifth respondent appeared and made their

submissions. Though it is brought to the notice of this Court that fifth respondent has already filed a suit for partition of the property, learned Counsel for the petitioner, however, do not dispute that if the order of the MRO is set aside on the ground that procedure was not followed, the same would cause uncertainty insofar as the entry in the record of rights is concerned. On this limited ground alone, this Court is of considered opinion that the order of the Joint Collector impugned in the writ petition should be modified. As procedure was not followed by the MRO while ordering mutation in favour of the petitioner and her two brothers, it would be appropriate to remand the matter to the MRO, Ramachandrapuram Mandal, to conduct fresh enquiry, after issuing notice to the petitioner, respondents-4 and 5 and legal heirs of Hiraman Singh, and pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of, modifying the orders of the Joint Collector. The matter is remanded to the MRO, Ramachandrapuram Mandal, to proceed as observed hereinabove and compete the exercise within a period of three months from the date of receipt a copy of this order.

The writ petition, with the above observations, is accordingly disposed of.

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(**V.V.S.RAO, J**)

October 23, 2006
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